

Minutes – May 12, 2016

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, Thomasina Coates, Vice Chairman, Guy N. Black, Steve Lowe, and Linda J. Warren, were present. Also appearing in support of the Board were Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary. M/Cpl. Judith Thompson, Alcohol Enforcement Coordinator and Greg Kiesel, Inspector were excused.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

Charles County Chamber of Commerce, by: Betsy Burian, President/CEO. Appearing on behalf of the applicant was Dee Hancock, for three (3) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor, from 5:30-7:30 p.m. on the following dates & locations, for a mixers with approx. 100 people expected to attend each event: Thursday, June 2 – Farming 4 Hunger, Serenity Farm Rd, Benedict; Thursday, July 7 – Ferguson Bath, Kitchen & Lighting, DeMarr Rd., White Plains; and Thursday, August 4 - Restore Health Rehabilitation Ctr., White Plains.

Indian Head Center for the Arts, by: E.S. Hungerford, Chair. Appearing on behalf of the applicant was John Hungerford, Esq., for five (5) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor, from 6-11 p.m. at the Black Box Theatre on the following dates for a fundraiser/theatre performance(s), with 50-90 people expected to attend each event: June 3, June 11, June 24, July 22 & July 23, 2016.

Bryans Road VFD & Rescue Squad, Inc., by Paul Tackish. Appearing on behalf of the applicant was Dave Hamrick and Dennis Thomlinson, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, on Saturday, September 24, 2016 from 3-9:00 p.m., inside the Bryans Road VFD & RS, for their 4th annual Sportsman's Bonanza fundraiser with approx. 500 people expected to attend.

Mechanicsville Moose Lodge #495, by Steve Males. Appearing on behalf of the applicant was Francis Dorwart, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, on Friday, June 3, 2016, (rain date 6/17) from 9 a.m. to 5 p.m., at White Plains Golf Course for their 12th annual fundraising event with approx. 75 people expected to attend.

Newburg Volunteer Rescue Squad & Fire Department, By: Andrew C. Spalding, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, (Wine only) on Sunday, May 22, 2016, from Noon to 5 p.m., inside the Firehouse, for a Wine & Design fundraiser with approx. 50-75 people expected to attend.

Empower, by: Nicole Tucker. Also appearing and testifying in support of the event was Heather Dautrich, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on Sunday, May 22 from 4-10 p.m. at Waldorf Cultural Center, 109 Post Office Road, Waldorf, Maryland, for a fundraiser/birthday party with approx. 300 people expected to attend.

Woodrow Wilson Alumni DC Chapter, by Alicia Perkins/Patrick Goodwin. In addition to Ms. Perkins, Heather Dautrich appeared and testified in support of the applications for two (2) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor on Saturday, May 28 from 9 p.m. to 2 a.m.; and on Saturday, June 4, from 9 pm to 2 am., at the Waldorf Cultural Center, 109 Post Office Road, Waldorf, Maryland, for a fundraiser to benefit Woodrow Wilson Athletic Department with approx. 300 people expected to attend. Testimony also reflected funds to be used to benefit their prom dress program for local kids.

2. Gary Fick, Culinary Blue Dog, LLC, t/a Blue Dog Saloon, 7940 Port Tobacco Road, Port Tobacco, Maryland 20677, appeared for an Outside Special Exception/Consent Order to redefine their licensed premises to allow their patrons to consume alcoholic beverages in a defined outside area. The licensee presented testimony and evidence in support of his application, including testimony regarding the following: The area is described as an approximately 727 square foot outdoor patio area, on the east side of the building; the licensed premises is approximately 2,600 square feet in size; the defined area will be surrounded by board on board type fencing approximately 8' in height, with a window type opening to allow observation from the outside. Further, the area will only be accessible via the restaurant, with emergency egress via an alarmed gate, which will not allow access into the area by the public. The licensee further testified that the defined area will accommodate approximately 30 people, depicted with four 4-seat tables; that it is his intention to serve alcoholic beverages to his customers by wait staff; and that the area will be open only during the regular hours of the restaurant, and no outside bar or service area is contemplated for the Open Air Exception area. Finally, that there would be no live or amplified entertainment in the outside area. This request is submitted as an accommodation to their patrons. The licensee(s) agreed to obtain all required State and County permits, including with regard to any curbing and/or safety barriers, and submit before and after pictures to the Board. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application as presented, and on the following consented to conditions:

1. The Open Air Exception area shall not exceed 50% of the inside licensed premises as depicted in the attached diagram.
2. Live and/or amplified music or entertainment shall be prohibited in the Open Air Exception area.
3. The Open Air Exception area shall be enclosed in a manner to restrict access so that the sale and consumption of alcoholic beverages can be restricted and controlled – including specifically, that no open containers shall be carried outside the defined premises.

4. Ingress and Egress to the Open Air Exception area shall be through the licensed premises only, except for an alarmed emergency egress gate.
5. The licensee will obtain all necessary permits for the Open Air Exception area.
6. Before and after photographs depicting the above-listed criteria must be submitted to the Clerk before final approval of the Open Air Exception area is granted.
7. Bars or service areas within the confines of the Open Air Exception area shall be prohibited.
8. That the approval is conditioned upon the written request and testimony and evidence presented to the Board of License Commissioners on May 12, 2016, and upon the restrictions consented to by the applicant including those contained in the Consent Order; and
9. That a violation of the terms of this Consent Order may lead to the Board of License Commissioners to withdraw its consent, rendering this Consent Order null and void.

3. Joshua Linton Spooner, Hannah Jeannette McCuen, Little Spoon Enterprises, LLC, t/a Spoon's BBQ, 234 Rosewick Rd., La Plata, Maryland 20646, appeared for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license. Counsel to the applicant was David Martinez, Esq. Testimony was presented by the applicants pertaining to the facts contained in the application which evidences Mr. Spooner holding an 51% interest in Little Spoon Enterprises, LLC, and Ms. McCuen holding the remaining 49% and serving as resident licensee. The licensees do not anticipate hosting live entertainment. The applicants anticipate a restaurant/bar type of operation, will employ certified, experienced bartenders and will have a policy of 100% ID check, and no vertical licenses. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application as presented, contingent upon the applicant filing a Health Permit and Use & Occupancy Permit, along with payment of the appropriate annual license fee.

4. Jonathan R. Hash, Jr., Mattie Ann Duvall, Scott's II Welcome, LLC, Scott's II, 7050 Port Tobacco Road, Welcome, Maryland 20693, appeared for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Jonathan R. Hash, Jr., Scott's II Welcome, LLC, Scott's II, 7050 Port Tobacco Road, Welcome, Maryland 20693. Counsel to the applicant was David Martinez, Esquire. Testimony was presented by the applicants pertaining to the facts contained in the application, which evidences Mr. Hash transferring an 80% interest in Scott's II Welcome, LLC to Ms. Duvall. Ms. Duvall will be responsible for the day-to-day operation of the business. Both the current licensee and the applicant meet the residency requirements and serve as authorized persons on behalf of the LLC. The licensees do not anticipate any further change to the operation of the business, and currently have approval for an Outside Special Exception Area, and will continue to host live entertainment. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application as presented, contingent upon filing of a criminal history background report for Ms. Duvall, and payment of the transfer fee.

5. Ulrike Lieselotte Sanders, Rajat Malhotra, Malhotraa Sons, LLC, t/a Bollywood Masala, 200 Rosewick Rd., La Plata, Maryland, 20646, appeared for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license. Counsel to the applicant was Isaac J. McAdams, Esq. Testimony was presented by the applicants pertaining to the facts contained in the application which evidences Ms. Sanders holding a 20% interest in Malhotraa Sons, LLC, and serving as resident licensee. Mr. Malhotra holds the remaining 80% interest. The licensees do not anticipate hosting live entertainment. The applicants anticipate a family owned and operated restaurant/bar type of operation, will employ certified, experienced bartenders and servers. Further, the applicant testified that they will have a policy of 100% ID check in place, with no vertical licenses accepted. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application as presented, contingent upon the applicant filing a Health Permit and Use & Occupancy Permit, along with payment of the appropriate annual license fee.

6. Christie Marie Welch, Jacqueline Jill Wise, AABC Enterprises Corp., t/a Urban Bar-B-Que La Plata, 13 Shining Willow Way, La Plata, Maryland, 20636, appeared for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license. Counsel to the applicant was Isaac J. McAdams, Esquire. Testimony was presented by the applicants pertaining to the facts contained in the application. Also appearing as a witness for the applicant was William Welch, IV. The applicants testified that Ms. Welch holds an 80% interest in AABC Enterprises Corporation, and serves as President/Secretary. Ms. Wise holds the remaining 20% interest, serves as Vice President and resident licensee. The licensees do not anticipate hosting live entertainment. The applicants anticipate a family type restaurant/bar type franchise operation, will employ certified, experienced bartenders and servers. The build out is expected to be complete by July 30, 2016. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application as presented, contingent upon the applicant filing a Health Permit and Use & Occupancy Permit, along with payment of the appropriate annual license fee by July 30, 2016.

Upon a motion duly made, seconded and unanimously carried, the Board adjourned for lunch at 12:50 p.m. and reconvened at 1:40 p.m.

7. George Kenneth Hayden, Jr., Aqualand Marina Operations, LLC, t/a AMO Ship Store, 9610 Orlando Park Road, Newburg, Maryland 20664, appeared for a change in location within the same election district, and transfer of the Class D – Beer & Wine (on/off sale) alcoholic beverage license, from George Kenneth Hayden, Jr., BRC, LLC, t/a Aqualand Marina Ships Store, 9860 Orlando Park Road, Newburg, Maryland 20664. Counsel to the applicant was Isaac A. McAdams, Esquire. Testimony was presented by the applicant pertaining to the facts contained in the application, which evidences the transfer of the Class D – Beer & Wine (on/off sale) alcoholic beverage license, to a new LLC and change in location within the same election district. Mr. Hayden serves as the sole authorized person on behalf of Aqualand Marina Operations, LLC, holding a 20% interest, and meets the residency requirements. The remaining 80% interest is held by BRC, LLC. Also appearing and testifying as a witness on behalf of the application was Dennis Fleming, Operations Manager. The license does not anticipate any change to the operation of the business, continuing to operate as a convenience type store, with daytime/evening hours only. Upon consideration of the testimony and evidence presented, and upon a motion duly made,

seconded and unanimously carried, the Board approved the application as presented, contingent upon satisfaction of any outstanding issues with the Maryland Comptroller, filing of a Health Permit, Use & Occupancy Permit, and resolution of the any outstanding items with the clerk, along with payment of the \$200 transfer fee.

8. Show Cause in the matter of the Class A - Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license issued to Natverlal Hirabhai Patel, Kudrat Corporation, t/a Pinefield Liquors, 12545 Mattawoman Drive, Waldorf, Maryland 20601. At the request of the licensee this matter was continued to the next hearing date.

9. Show Cause in the matter of the Class A - Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license issued to Robert D. Ryan, Three Nines, Inc., t/a Willett's Discount Liquor & Deli, 10573 Theodore Green Blvd, White Plains, Maryland 20695. At the request of the licensee this matter was continued to the next hearing date.

10. Show Cause in the matter of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Robert Allan Riccardo, Jr., Simon Aristides Gutierrez, El Dorado Restaurant, LLC, t/a El Dorado Restaurant, 316 E. Charles Street, La Plata, Maryland 20646. At the request of the licensee this matter was continued to the next hearing date.

11. Show Cause in the matter of the Class B/BLX Luxury Restaurant – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Co., t/a Applebee's - La Plata, 10 Shining Willow Way, La Plata, Maryland 20646. Melissa Gibson appeared and requested that this matter was continued to the next hearing date.

12. The clerk notified the Board members that she was scheduling Media Training before the next hearing, beginning at 9:30 on June 9, 2016

13. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of April 14, 2016.

With no further business the meeting adjourned at 2:00 p.m.